

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MOLLY HAMRICK, et al.,

Plaintiffs,

vs.

JONATHAN FELDMAN, et al.,

Defendants.

Case No. 2:13-cv-00078-GMN-PAL

ORDER

(Sub'n of Counsel - Dkt. #107)

This matter is before the court on the Motion for Withdrawal and to Substitute Counsel of Record (Dkt. #107) filed March 13, 2013. The Stipulation seeks to substitute Nicholas J. Santoro and Jason D. Smith in the place and stead of R. Kyle Hawes and Jeff C. Wittington as counsel for Defendants Montcalm Co., LLC, and Matthew Barnes. Additionally Defendants Montcalm and Barnes will also be represented by Robert L. Plotz, whose petition to appear pro hac vice is pending before the district judge.

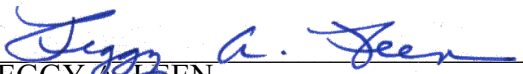
LR IA 10-6(c) requires that any stipulation to substitute attorneys shall be by leave of court and shall bear the signature of the attorneys and the client represented. It provides that the signature of an attorney to substitute into a case "constitutes an express acceptance of all dates then set for pretrial proceedings, for trial or hearing, by the discovery plan, or in any court order." LR IA 10-6(d) also provides that the substitution of an attorney "shall not alone be reason for delay of pretrial proceedings, discovery, the trial, or any hearing in this case." The Complaint in this case was filed in Texas state court, and was removed to the United States District Court for Southern District of Texas on July 16, 2012. *See* Notice of Removal (Dkt. #1). On January 16, 2013, the case was transferred to this district. *See* Dkt. #68. There are currently two Motions to Compel (Dkt. #63, 64) pending before the undersigned, and a Motion for Reconsideration (Dkt. #66) pending before the district judge.

1 Having reviewed and considered the matter, and good cause appearing,

2 **IT IS ORDERED:**

- 3 1. The Motion to Substitute Counsel (Dkt. #107) is GRANTED.
- 4 2. Nicolas J. Santoro and Jason D. Smith are substituted in the place and stead of R. Kyle
- 5 Hawes and Jeff C. Wittington as counsel for Defendants Montcalm Co., LLC, and
- 6 Matthew Barnes, subject to the provisions of LR IA 10-6(c) and (d).

7 Dated this 14th day of March, 2013.

8 
9 PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE